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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,993	01/20/2001	Suresh Madhavan	M-8770 US	1210

34036 7590 01/27/2005

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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)
	09/765,993	MADHAVAN, SURESH
Examiner	Art Unit	
	Andre Boyce	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 January 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-83 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-83 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. Claims 1-83 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 36-66 and 76-80 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case the independent claims 45, 57, and 76 only recite an abstract idea. The recited steps of receiving a selection, receiving a message, receiving from a user a linkage between a response and a requirement, etc does not involve, use, or advance the technological arts (i.e.,

computer, processor, electronically, etc.), since the steps could be performed using pencil and paper. Further, saving in a database table is only a nominal recitation of technology, which does not meet the technological arts requirement.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case independent claims 36, 45, 57, and 76 do not produce a useful, concrete, and tangible result. Here, the claims simply list, receive, and/or save data. There is no transformation of data into a result.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 8-12, 14-23, 27, 29, 31-35, 45, 46, 48-53, 57, 61-63, 69-71, and 73-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Nummelin et al (USPN 6,308,164).

As per claim 1, Nummelin et al disclose a method to represent a project over a network (distributed project management system 100, figure 1), comprising: receiving a plurality of requirements for the project from at least one of a first plurality

of computers connected to the network (i.e., project task and resource information input at project manager workstation 120, column 5, lines 65-67); transmitting the plurality of requirements to at least one of a second plurality of computers connected to the network (i.e., project resources receive task assignments at resource workstation 130, via enterprise network, column 5, lines 58-64); receiving a plurality of responses to the requirements from at least one of the second plurality of computers (i.e., receiving information from project resources regarding the status of project tasks, column 6, lines 37-39); and receiving at least one link between at least one of the plurality of responses and at least one of the plurality of requirements from at least one of the second plurality of computers (i.e., resource used to complete the task and a task status).

As per claim 2, Nummelin et al disclose transmitting the plurality of requirements, the plurality of responses, and the at least one link to at least one of the first plurality of computers (update of the primary database 112, via the enterprise network and transfer of data between workstations 120 and 130, column 6, lines 31-34 and 50-53).

As per claim 8, Nummelin et al disclose at least one of the requirements and the responses includes at least one of: a standard (e.g., skill required for the task, column 9, lines 15-17), a specification, and a datasheet.

As per claim 9, Nummelin et al disclose at least one of the requirements and the responses includes at least one of: an input to the at least one of the requirement

and the responses, and an output from the at least one of the requirements and the responses (e.g., resource as input and task completion as output).

As per claim 10, Nummelin et al disclose at least one of the requirements and the responses includes at least one subject matter of the at least one of the requirements and the responses (e.g., creation of the task, including time duration and sequence, column 9, lines 11-14).

As per claim 11, Nummelin et al disclose at least one of the requirements and the responses includes a security level that determines which users may view the at least one of the requirements and the responses (i.e., access level of the user at a workstation, wherein project managers may input project task and resource information, column 6, lines 7-11).

As per claim 12, Nummelin et al disclose at least one of the requirements and the responses includes identifications of users that may (1) add, delete, and edit information included in the at least one of the requirements and the responses, and (2) add, delete, and edit at least one child requirement or response to the at least one of the requirements and the responses and information included in the child requirement or response (i.e., access level of the user at a workstation, wherein a project resource would not be given access to project manager functions, column 6, lines 7-11).

As per claim 14, Nummelin et al disclose at least one of the requirements and the responses includes at least one of a labor cost (i.e., resource cost, column 9, lines 22-24), a material cost, and a duration.

As per claim 15, Nummeling et al disclose at least one of the requirements and the responses includes at least a description of the requirement (task requirement).

As per claim 16, Nummeling et al disclose at least one of the requirements and the responses includes at least a document relevant to the requirement (e.g., documents used as secondary information, column 10, lines 52-55).

As per claim 17, Nummeling et al disclose at least one of the requirements and the responses includes a task of the project (column 9, lines 9-11).

As per claim 18, Nummeling et al disclose at least one of the requirements and the responses includes a milestone of the project (e.g., task phase, column 9, lines 15-17).

As per claim 19, Nummeling et al disclose at least one of the requirements and the responses includes a specification of the project (e.g., name and clients for the project, column 9, lines 2-8).

As per claim 20, Nummeling et al disclose the specification includes at least one of: a technical specification, a contract (e.g., client designators/codes including billing codes, column 10, lines 37-40), and a business rule.

As per claim 21, Nummeling et al disclose at least one of the requirements and the responses includes at least one of a deliverable item and a procured item for the project (i.e., resource for the task includes equipment, column 6, lines 43-49).

As per claim 22, Nummeling et al disclose the first plurality of computers include the second plurality of computers (i.e., workstation 140 functioning as either a project manager workstation or resource workstation, column 6, lines 5-7).

Claims 23, 27, 29, and 31-35 are rejected based upon the rejection of claims 1, 9, 12, and 17-21, respectively, since they are the computer storage medium claims corresponding to the method claims.

As per claim 45, Nummeling et al disclose a method for structuring a project, comprising: receiving a selection of an element of a project from a first party (task creation); receiving a message concerning the selected element from the first party (input of project, project tasks, and resources information, column 5, lines 65-67); and saving in a database table a record including (1) the message, (2) an identification of the message as a first key to the record, and (3) an identification of the selected element as a second key to the record (input project information saved in database 112, column 5, lines 55-58).

As per claim 46, Nummeling et al disclose the first record further includes (1) an identification of another message being responded to, if any, and (2) an identification of a second party to receive the message (i.e., identification of task status and task resource).

As per claim 48, Nummeling et al disclose detecting the presence of the second party; and transmitting the message to the second party (resource workstation 130).

As per claim 49, Nummeling et al disclose loading information related to the selected element into memory database 112).

As per claim 50, Nummeling et al disclose sending an email to the second party to notify the receipt of the message (column 6, lines 53-56).

As per claim 51, Nummelin et al disclose saving in the database table a security level for the selected element that determines which parties may view the selected element received from the first party (i.e., access level of the user at a workstation, wherein project managers may input project task and resource information, column 6, lines 7-11).

As per claim 52, Nummelin et al disclose saving in the database table an identification of an individual that may (1) add, delete, and edit information included in the selected element, and (2) add, delete, and edit a child element to the selected element and information included in the child element, received from the first party (i.e., access level of the user at a workstation, wherein a project resource would not be given access to project manager functions, column 6, lines 7-11).

As per claim 53, Nummelin et al disclose saving in the database table data contained in a datasheet of an item related to the selected element received from the first party (e.g., resource creation related to the task stored in database 112).

As per claim 57, Nummelin et al disclose method for representing a project, comprising: receiving a selection of an element of a project from a first party (task creation); receiving messages in a conference concerning the selected element from one or more parties (e.g., e-mail messages transferred between workstations 120 and 130, column 6, lines 50-55); and saving in a database table a record including (1) the messages, (2) an identification of the conference as a first key to the record, and (3) an identification of the selected element as a second key to the record (database 112).

As per claim 61, Nummeli et al disclose saving in the database table a security level for the selected element that determines which parties may view the selected element (i.e., access level of the user at a workstation, wherein project managers may input project task and resource information, column 6, lines 7-11).

As per claim 62, Nummeli et al disclose saving in the database table an identification of an individual that may (1) add, delete, and edit information included in the selected element, and (2) add, delete, and edit a child element to the selected element and information included in the child element (i.e., access level of the user at a workstation, wherein a project resource would not be given access to project manager functions, column 6, lines 7-11).

As per claim 63, Nummeli et al disclose saving in the database table data contained in a datasheet of an item related to the selected element (e.g., resource creation related to the task stored in database 112).

Claim 69 is rejected based upon the rejection of claims 57, 61, and 62, since it is the computer storage medium claim corresponding to the method claims.

As per claim 70, Nummeli et al disclose encoded with a fourth field comprising a level of responsibility of the individual (i.e., access level of the user at a workstation, wherein a project resource would not be given access to project manager functions, column 6, lines 7-11).

Claim 71 is rejected based upon the rejection of claim 57, since it is the computer storage medium claim corresponding to the method claim.

As per claim 73, Nummelin et al disclose the message includes emails (column 6, lines 53-56).

As per claim 74, Nummelin et al disclose a third field of an identification of another message being responded to, if any (e.g., task resource).

As per claim 75, Nummelin et al disclose a third field of an identification of a party to receive the message (e.g., task resource).

As per claim 76, Nummelin et al disclose method comprising receiving from a user a linkage between a response and a requirement, wherein said requirement includes an element of a project to be implemented and said response includes a proposal to implement the requirement (e.g., project manager 120 inputs project task to be completed, wherein project resource 130 receives task assignment receipt by project resource 130).

As per claim 77, Nummelin et al disclose receiving from said user said response (e.g., resource responding to task requirement).

As per claim 78, Nummelin et al disclose receiving from said user said requirement (e.g., project manager inputting resource information).

As per claim 79, Nummelin et al disclose each of said responses and requirement includes a human language description of a vision of said project (e.g., project definition 320, figure 3).

As per claim 80, Nummelin et al disclose at least one of said requirement and said response includes at least one of: a labor cost (i.e., resource cost), a material cost, and a duration.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-7, 24-26, 28, 36-44, 47, and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nummeli et al, in view of Formenti (USPN 6,487,469).

As per claims 3-5, Nummeli et al does not explicitly disclose the plurality of requirements is organized as nodes in a first hierarchical tree structure and the plurality of responses is organized as nodes in a second hierarchical tree structure, the first hierarchical tree structure is defined by at least one of a first plurality of users using at least one of the first plurality of computers, and the second hierarchical tree structure is defined by at least one of a second plurality of users using at least one of the second plurality of computers. Formenti discloses a scheduling application that enables a project manager the capability of arranging project tasks and sub-tasks in a hierarchical structure linking the relationships between the tasks in a tree structure (column 4, lines 27-31). Both Nummeli et al and Formenti are concerned with effective management. Further, Formenti discloses schedule database 30 using Microsoft Project (column 4, lines 23-26), as also disclosed by Nummeli et al, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the plurality of requirements organized as nodes in a first hierarchical tree structure and

the plurality of responses is organized as nodes in a second hierarchical tree structure in Nummelin et al, as seen in Formenti, thus providing an efficient means of organizing the tasks and resources.

As per claim 6, Nummelin et al disclose each of the first plurality of users is assigned a security level that determines if the user may view, edit, or delete a node and information included therein (i.e., access level of the user at a workstation, wherein project managers may input project task and resource information, column 6, lines 7-11).

As per claim 7, Nummelin et al disclose each of the first plurality of users is assigned to at least one node so the user may (1) add, delete, and edit information included in the at least one node, and (2) add, delete, and edit at least one child node to the at least one node and information included in the at least one child node (i.e., access level of the user at a workstation, wherein project managers may input project task, sub-task, and resource information, column 6, lines 7-11).

Claims 24-26 and 28 are rejected based upon the rejection of claims 3-5 and 6, respectively, since they are the computer storage medium claims corresponding to the method claims.

Claims 36 and 37 are rejected based upon the rejection of claim 3, since they are the user interface claims, corresponding to the method claim.

As per claim 38, Nummelin et al disclose a status of compliance between the third list and the linked at least one requirement (e.g., task status and progress towards completion, column 6, lines 39-41).

As per claim 39, Nummelin et al disclose a description of the at least one response in the third list (e.g., task description, including sequence relationship, column 9, lines 11-14).

As per claim 40, Nummelin et al disclose the link between the at least one response and the at least one requirement indicates that the at least one response is directed to meet the at least one requirement (e.g., resource created to complete task).

As per claim 41, Nummelin et al disclose at least one of the requirements and responses is a task (column 9, lines 9-11), a milestone, a component specification, a deliverable, or a procurement.

As per claim 42, Nummelin et al disclose a graphical representation of a link between at least one requirement from the first list and at least one response from the second list linked (e.g., spreadsheet used as secondary information fields and values, column 10, lines 52-55).

As per claim 43, Nummelin et al disclose a security level required for a user to view, edit, or delete one of the requirements and the responses and information therein (i.e., access level of the user at a workstation, wherein project managers may input project task and resource information, column 6, lines 7-11).

As per claim 44, Nummelin et al disclose a user assigned to (1) add, delete, and edit information included in the at least one of the requirements and the responses, and (2) add, delete, and edit at least one child requirement or response to the at least one of the requirements and the responses and information included the at

least child requirement or response (i.e., access level of the user at a workstation, wherein project managers may input project task, sub-task and resource information, column 6, lines 7-11).

As per claim 47, Nummelin et al disclose detecting the presence of the second party (e.g., resource workstation 130). Nummelin et al does not explicitly disclose transmitting a hierarchical tree of the project to the second party, wherein the selected element is distinguished by one or more visual cues including underscore, color, and shading. Formenti discloses a scheduling application that enables a project manager the capability of arranging project tasks and sub-tasks in a hierarchical structure linking the relationships between the tasks in a tree structure (column 4, lines 27-31). Further, Microsoft Project including underscoring, shading and/or coloring. Both Nummelin et al and Formenti are concerned with effective management. Further, Formenti discloses schedule database 30 using Microsoft Project (column 4, lines 23-26), as also disclosed by Nummelin et al, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include transmitting a hierarchical tree of the project to the second party, wherein the selected element is distinguished by one or more visual cues including underscore, color, and shading in Nummelin et al, as seen in Formenti, thus providing an efficient means of organizing the tasks and resources.

As per claim 58, Nummelin et al disclose receiving a selection of the conference by a party (e.g., e-mail messages transferred between workstations 120 and 130, column 6, lines 50-55). Nummelin et al does not explicitly disclose transmitting a

hierarchical tree of the project to the party, wherein the selected element is distinguished by one or more visual cues including underscore, color, and shading. Formenti discloses a scheduling application that enables a project manager the capability of arranging project tasks and sub-tasks in a hierarchical structure linking the relationships between the tasks in a tree structure (column 4, lines 27-31). Further, Microsoft Project including underscoring, shading and/or coloring. Both Nummeli et al and Formenti are concerned with effective management. Further, Formenti discloses schedule database 30 using Microsoft Project (column 4, lines 23-26), as also disclosed by Nummeli et al, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include transmitting a hierarchical tree of the project to the second party, wherein the selected element is distinguished by one or more visual cues including underscore, color, and shading in Nummeli et al, as seen in Formenti, thus providing an efficient means of organizing the tasks and resources.

As per claim 59, Nummeli et al disclose transmitting the message to the second party (e-mail message to resource workstation 130).

As per claim 60, Nummeli et al disclose loading information related to the selected element into memory (database 112).

8. Claims 13, 30, 54-56, 64-66, 67, 68, 81, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nummeli et al, in view of Desjardins (US 2002/0059512).

As per claim 13, Nummelin et al does not disclose at least one of the requirements and the responses includes at least one of: a description of at least one risk, a description of at least one mitigation, and a link between at least one risk and at least one mitigation. Desjardins discloses defining the basic feature of a project, including a risk analysis, which includes documenting the constraints and assumptions involved in the project (¶ 0050). Both Nummelin et al and Desjardins are concerned with effective project management, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include risk analysis in Nummelin et al, as seen in Desjardins, thereby further defining the features of the project, thus making Nummelin et al more flexible and robust.

Claim 30 is rejected based upon the rejection of claim 13, since it is the computer storage medium claims corresponding to the method claims.

As per claims 54-56, Nummelin et al does not disclose saving in the database table an identification of a risk received from the first party, saving in the database table an identification of a mitigation received from a second party, and saving in the database table a link between the risk and the mitigation. Desjardins discloses defining the basic feature of a project, including a risk analysis, which includes documenting the constraints and assumptions involved in the project (¶ 0050), and the system implemented using system 200, saving information in database 212 (¶ 0130). Both Nummelin et al and Desjardins are concerned with effective project management, therefore it would have been obvious to one having ordinary skill in

the art at the time the invention was made to include risk analysis in Nummelin et al, as seen in Desjardins, thereby further defining the features of the project, thus making Nummelin et al more flexible and robust.

As per claims 64-66, Nummelin et al does not disclose saving in the database table an identification of a risk received from the first party, saving in the database table an identification of a mitigation received from a second party, and saving in the database table a link between the risk and the mitigation. Desjardins discloses defining the basic feature of a project, including a risk analysis, which includes documenting the constraints and assumptions involved in the project (¶ 0050), and the system implemented using system 200, saving information in database 212 (¶ 0130). Both Nummelin et al and Desjardins are concerned with effective project management, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include risk analysis in Nummelin et al, as seen in Desjardins, thereby further defining the features of the project, thus making Nummelin et al more flexible and robust.

Claim 67 is rejected based upon the rejection of claims 57 and 64-66, since it is the computer storage medium claim corresponding to the method claims.

As per claim 68, Nummelin et al does not disclose the first record further comprises a criticality level of the risk. Desjardins discloses defining the basic feature of a project, including a risk analysis, which includes documenting the constraints and assumptions involved in the project (¶ 0050). Both Nummelin et al and Desjardins are concerned with effective project management, therefore it would

have been obvious to one having ordinary skill in the art at the time the invention was made to include risk analysis in Nummelin et al, as seen in Desjardins, thereby further defining the features of the project, thus making Nummelin et al more flexible and robust.

Claims 81 and 82 are rejected based upon the rejection of claim 13, since they are the graphic user interface claims, corresponding to the method claim.

9. Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nummelin et al.

As per claim 72, Nummelin et al does not explicitly disclose the message includes a content of an online conference. However, Nummelin et al disclose transferring data between workstations 120 and 130, including email messages transferred between workstations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the message having content from an online conference in Nummelin et al, as an additional means of transferring information between workstations 120 and 130, thereby making the system more flexible.

10. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nummelin et al, in view of Desjardins, in further view of Formenti.

Claim 83 is rejected based upon the rejection of claim 3, since it is the graphic user interface claim, corresponding to the method claim.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


adb
January 24, 2005


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SUPERVISORY PATENT EXAMINER
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